



# THE NONIMMIGRANT VISA WAIVER PROCESS



Individuals who are required to obtain a visa to enter the United States must apply at a U.S. consulate abroad. A critical part of the application process involves an in-person interview at the consulate to verify information in the application and ask questions about eligibility for the visa. If the visa application is approved, the consulate issues the visa into the applicant's passport and arranges for return of the passport and visa to the applicant.

In recent years, many consular posts implemented an interview waiver procedure which permitted certain nonimmigrant visa applicants to obtain a visa without an in-person interview. Due to the COVID-19 pandemic, this interview waiver process has been implemented more broadly at consular posts around the world and the requirements to qualify have been expanded. **Using this process is a convenient option for those renewing visas in the same nonimmigrant category and can reduce the hassle and anxiety of an in-person interview with a consular officer.**

Because local procedures may vary, applicants should review their local consulate's website to determine whether it has implemented an interview waiver procedure. In some cases, applicants may also need to reference the appointment scheduling website. **Be advised: the consulate has the discretion to require an interview of any applicant from whom they have received a visa application.**

If a consulate has an interview waiver process in place and a visa applicant qualifies, the applicant must schedule their document drop-off or mail-in processing directly with that consular. Typically, these documents include: DS-160 confirmation page, a valid passport, pre-paid courier packaging for passport/document return, the MRV fee receipt, two passport style photographs, and the visa petition approval notice (such as a Form I-797 approval notice).

While the U.S. State Department works to reduce its unprecedented nonimmigrant visa processing backlogs, the interview waiver process is an essential option for qualified applicants seeking to enter the United States.

## Am I Eligible for an Interview Waiver?

Under the recently expanded interview waiver eligibility requirements (valid through December 31, 2021), visa applicants who meet the following criteria may qualify for the interview waiver program:



- Applicant has a previously issued U.S. visa in the same classification as the visa for which they are applying;
- Applicant is applying at the consular post of the applicant's usual residence;
- The prior visa is not annotated "Clearance Received" or "Department Authorization";
- The most recent visa in the same classification for which the applicant is applying, was issued on or after their 14th birthday (For children under 14 years of age, interviews are rarely required.);
- The most recent visa in the same class for which the applicant is applying was not lost/stolen or cancelled;
- The applicant was not previously refused a visa in any classification, unless the refusal was overcome or ground for inadmissibility was waived; and
- The applicant's prior visa in the same classification is still valid or has expired within the last 48 months.

## WHAT OUR OFFICE IS DOING

If you have questions regarding your case, we encourage you to contact our office at The Dutta Law Firm at (212) 495-9089.